

## 21 C.J.S. Courts § 340

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### Courts

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### X. Clerks of Courts

#### C. Powers and Duties

### § 340. Disqualification to act

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Clerks of Courts](#)  68

**A court clerk is disqualified from performing acts of a judicial nature in relation to a matter in which he or she has an interest.**

A court clerk is disqualified from performing acts of a judicial nature in relation to a matter in which he or she has an interest<sup>1</sup> but may perform a purely ministerial act, such as the issuance of process, even where he or she is a party to the action.<sup>2</sup> It has been held that the clerk's relationship to a party litigant by consanguinity and blood disqualifies the clerk from acting as clerk during the trial.<sup>3</sup>

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#### Footnotes

<sup>1</sup> N.C.—[Evans v. Etheridge](#), 96 N.C. 42, 1 S.E. 633 (1887).

<sup>2</sup> Ga.—[Thornton v. Ferguson](#), 133 Ga. 825, 67 S.E. 97 (1910).

<sup>3</sup> S.C.—[Turner v. Southern Ry. Co.](#), 179 S.C. 38, 183 S.E. 579 (1936).